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SUPREME COURT OF THE UNITED STATES.

No. 48.

M. WHERRY'S HEIRS, APPELLANTS,

VERSUS

THE UNITED STATES.

ON APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE MISSOURI DISTRICT.

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The petition of Joseph A. Wherry, Macky M. Wherry, and Daniel B. Wherry, heirs of Macky Wherry, deceased, to the honorable the Chief Justice of the United States, respectfully showeth:

That at a session of the district court of the United States for the district of Missouri, held at St. Louis, in February, of the year 1830, last past, a final decree was pronounced by said court in favor of the United States, in the cause of the heirs of Macky Wherry, petitioners, *vs.* the United States. That on the hearing of said cause, and after said decree was pronounced, it was distinctly understood, and the intention was expressed by the counsel for your petitioners, that an appeal would be taken by them to the Supreme Court of the United States.

That immediately after said decree was pronounced, the said district court adjourned sine die, and since that time has ceased to exist, at least, for the purpose of making final decisions, by virtue of that provision in the act of Congress of the 24th May, 1828, which declares that the act of the 26th May, 1824, shall be continued in force until the 26th May, 1830, and no longer.

That your petitioners, against whom the decree aforesaid was pronounced, availing themselves of that provision in the act of the 26th May, 1824, which declares that, in all cases, the party against whom the decree may be finally given, shall be entitled to an appeal within one year from the time of its rendition to the Supreme Court of the United States, have applied to the clerk of said district court of Missouri, under the act of 1824, and have obtained a transcript of the record in said cause, and have applied to the Judge of said district court for a citation to be directed to the proper officer of the United States, and have tendered the necessary appeal bond, and have prayed that said Judge should allow the appeal, and should do such other judicial act or acts as might be necessary to enable the said petitioners to avail themselves of the right of appeal, to them given by the act of Congress of 1824, continued by the act of 1828, aforesaid.

Your petitioners further respectfully sheweth, that said Judge having taken said application into consideration, has decided that he has ceased to have any authority under the act of 1824, or under any other act of Congress continuing or amending the same, and therefore has declined allowing the appeal, or issuing the citation prayed for by your petitioners.

Your petitioners sheweth, that in consequence of the above decision of the said district Judge, they will be deprived of their right of appeal, unless the honorable the Supreme Court, or a judge thereof, shall interpose to relieve them.

Wherefore, your petitioners pray that a citation be issued in due form in the above cause, directed to the proper officer, requiring him to appear and shew cause in the honorable the Supreme Court of the United States, at the present term thereof, why said decree should not be reversed, and that the appeal bond ready to be tendered by your petitioners, may be approved of, if found sufficient, and that such other order may be made, as to your honor shall seem proper in the premises; and your petitioners will ever pray, &c.

L. E. LAWLESS, *Att'y for plfs.*

Appeal allowed.

J. MARSHALL,
Chief Justice of the United States.

United States of America to the United States, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday in August next, pursuant to an appeal filed in the clerk's office of the district court of the United States for the district of Missouri, wherein Joseph A. Wherry, Macky M. Wherry, and Daniel B. Wherry, heirs of Macky Wherry, deceased, are appellants, and the United States is appellee, to show cause, if any there be, why the decree rendered against the said appellants, as in the said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable John Marshall, Chief Justice of the Supreme

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Court of the United States, at the City of Washington, this 17th day of January, A. D. 1831.

J. MARSHALL,
Chief Justice of the United States.

WASHINGTON CITY, *January* 18, 1831.

Served this citation on Mr. Wirt, by leaving with him a true copy, and shewing him the original at the same time.

THOMAS WOODWARD.

Sworn to in open court.

WM. THOS. CARROLL, *C. S. C. U. S.*

Know all men by these presents, that we, Marie P. Leduc and Luke E. Lawless, are held and firmly bound unto the United States in the full and just sum of two hundred dollars, to be paid to the said the United States' certain attorney, or assigns: to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals, and dated this seventeenth day of January, in the year of our Lord one thousand eight hundred and thirty-one.

Whereas lately, at a district court of the United States for the district of Missouri, in a suit depending in said district court wherein Macky Wherry's heirs were petitioners, and the United States was defendant, a final decree was passed against the said Wherry's heirs, and the said Wherry's heirs having entered an appeal from the said decree of the said district court to the Supreme Court of the United States, and obtained a citation directed to the said the United States, citing and admonishing to be and appear at a Supreme Court of the United States, to be holden at Washington the first Monday of August next:

Now the condition of the above obligation is such, that if the said Macky Wherry's heirs shall prosecute their appeal to effect, and answer all damages and costs if they fail to make thier plea good, then the above obligation to be void, else to remain in full force and virtue.

M. P. LEDUC, [L. S.]
L. E. LAWLESS, [L. S.]

Sealed and delivered in presence of
WM. THOS. CARROLL.

Approved by

J. MARSHALL,
Chief Justice of the United States.

MISSOURI DISTRICT, set.

Be it remembered, that under an act of Congress approved May 26, 1824, and entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," on the twenty-fifth day of May, in the year eighteen hundred and twenty-nine, Joseph A. Wherry and others, heirs of Macky Wherry, deceased, by Mr. Lawless and Mr. Strother, their solicitors, filed in the office of the clerk of the United States' court for the Missouri district, their petition praying for the confirmation of sixteen hundred arpents of land as therein described; which said petition being truly copied, reads as follows, to wit:

To the honorable the district court of the United States for the district of Missouri.

The petition of Joseph A. Wherry, Macky M. Wherry, and Daniel B. Wherry, sons and heirs of Macky Wherry, deceased, of St. Louis, respectfully sheweth, that Macky Wherry, late of St. Louis, deceased, on the 15th April, 1802, presented his petition in due form to the then Lieutenant Governor of Upper Louisiana, Don Carlos Dehault Delassus, setting forth that the said Macky was, for a long time past, an inhabitant of that part of the Illinois, and that he had formerly obtained from Don Zenon Trudeau, the predecessor of said Don Carlos D. Delassus, a small grant of four hundred arpents; that since said grant the family of said Macky Wherry had considerably increased in number, and that also the number of his cattle had also augmented, insomuch that said small quantity of land was no longer adequate to their support; wherefore said Macky Wherry prayed said Lieutenant Governor, Don Carlos D. Delassus, to grant him a tract of sixteen hundred arpents in superficies, or thereabouts, situated near the rivers Dardenne and Mississippi, on the vacant land of the royal domain, and which the said petitioner would point out when the survey thereof should be made. That on the 18th April, 1802, the said Lieutenant Governor, Don Carlos D. Delassus, did make his decree of that date, by which he granted to said Macky Wherry and his heirs, the land asked for in said petition, and ordered the surveyor of said province, Don Antonio Soulard, to put the interested party, to wit, the said Macky, in possession of the quantity of land he asked for on any vacant place of royal domain; and having done so, to make a plat of survey and certificate, and deliver same to said Macky Wherry, to the end that said Macky might make of them to obtain the formal title from the Intendant General, to whom had, at that date, been given the power, by royal order, of granting all sorts of public or vacant lands. Your petitioners shew, that in consequence of the pressure of business and the subsequent change of government, the survey so ordered to be made by said A. Soulard, was never executed; and that said survey was at length made and executed by Nathan Boone, a deputy surveyor, at the request of said Macky Wherry, on the fifteenth day of May, 1826, on lands situated on the Dardenne creek, in the county of St. Charles; which survey contains 1600 arpents, and does not interfere with any right or land belonging to any private person, and was and is exclusively located on land formerly belonging to the royal domain, and at date of said survey to the United States; all which will appear more fully by said petition, concession, and plat and certificate of survey, now here shewn to the court. Your petitioners further shew, that since the survey so made of said tract of land, the said Macky Wherry has departed this life, leaving the petitioners. That neither said petition and concession, or claim thereunder, have been submitted to the recorder or board of commissioners heretofore created in Upper Louisiana for the adjudication of Spanish and French land claims. Wherefore your petitioners pray, that inasmuch as said survey would have been made, and said concession and survey ratified and perfected into a complete title to the said Macky Wherry and his heirs, according to the laws and usages of the government under which said concession issued, this court may now inquire into and confirm, in the manner and form authorized by the act of Congress in that behalf, the said concession and survey; and your petitioners will pray.

STROTHER & LAWLESS,
For the petitioners.

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And thereupon, on the day of filing said petition, the clerk of said court issued a citation, which, being copied, reads as follows, to wit:

MISSOURI DISTRICT, sct.—*The President of the United States of America to the Marshal of said district, greeting:*

You are hereby commanded to notify and cite the attorney of the United States for the Missouri district, that he be and appear before the court of the United States for the Missouri district, on the fourth Monday of June next, then and there to answer the petition of Joseph A. Wherry, Macky M. Wherry, and Daniel B. Wherry, heirs of Macky Wherry, deceased, who pray the confirmation of sixteen hundred arpents of land, and make defence, if any he has, or knows of any thing to say why the same should not be confirmed accordingly; hereof fail not, and have you then there this writ.

Witness the honorable James H. Peck, Esq., Judge of the United States for the Missouri district, the twenty-fifth day of May, 1829.

Issued at office in St. Louis, under my private seal, there being no public seal provided, the day and year last aforesaid.

[L. S.] ISAAC BARTON, *Clerk.*

The return of the marshal to said writ, as endorsed thereon, being copied, reads as follows: Executed this citation on Beverly Allen, United States' district attorney for the Missouri district, June 15th, 1829, and gave him a copy of the petition at St. Louis, in this behalf, filed.

JOHN SIMONDS, *Jr. Marshal.*
By D E. Cuyler, Dep. Marshal.

And afterwards, at the June session of said court, in the year eighteen hundred and twenty-nine, comes the attorney for the United States, and files his answer to said petition; and thereupon, on application of said petitioners, by their solicitors, and with the consent of the said attorney for the United States, this cause is continued.

The answer of the attorney for the United States, as filed to said petition, being copied, reads as follows: The answer of Beverly Allen, attorney of the United States, to the petition of the heirs of Macky Wherry, praying the confirmation of 1600 arpents of land.

This respondent, for answer on behalf of the United States of America, reserving to himself and to the said United States, now and at all times hereafter, all manner of advantage of exception to the manifold errors, imperfections, and uncertainties in the said petition contained, for answer thereto, or to so much thereof as this respondent deems it necessary and material for him to answer, answering, says, that he is wholly uninformed and ignorant of all and every the matters and things in said petition contained, and therefore he does not admit the same, or any of them, to be true; but prays the court that the said petitioners may be held and required to prove and substantiate the material allegations in said petition contained, and all such other matters and things, the existence whereof may be deemed essential and necessary for the confirmation of said claim; and this respondent will, &c.

B. ALLEN,
Attorney for U. S. district of Missouri.

This cause was continued until the January session of said court, in the year eighteen hundred and thirty, at which said session, on the thirtieth day of January, in the year aforesaid, come as well the petitioners, by their solicitors, as the attorney for the United States, and this cause coming on to be heard upon the petition, answer and evidence. And it appearing to the court, that the petition, in substance, states, that Macky Wherry, late of St.

Louis, deceased, on the fifteenth day of April, eighteen hundred and two, presented a petition to Charles Dehault Delassus, Lieutenant Governor of Upper Louisiana, setting forth that said Macky was, for a long time past, an inhabitant of that part of the Illinois; that he had formerly obtained from Don Zenon Trudeau, the predecessor in office of the said Lieutenant Governor Delassus, a small grant of four hundred arpents of land; that since said grant, the family of said Macky Wherry had increased, and the number of his cattle had augmented, insomuch that said small quantity of land was no longer adequate to their support: wherefore said petitioner prayed said Lieutenant Governor to grant him a tract of sixteen hundred arpents of land, or thereabouts, situated near the rivers Dardenne and Mississippi; and that said petitioner would point out where the survey thereof should be made. That on the eighteenth day of April, in the year aforesaid, the said Lieutenant Governor made his decree of that date, by which he granted to the said Macky Wherry and his heirs, the land asked for in said petition, and ordered Antoine Soulard, the surveyor of said province, to put the said Macky in possession of the land asked for, and having done so, to make a plat of survey and certificate, and deliver the same to the said Macky Wherry, to the end that he might obtain the formal title from the Intendant General. The said petition further states, that in consequence of the pressure of business and the subsequent change of government, the survey so ordered to be made was never executed; that a survey was at length made by Nathan Boone, a deputy surveyor, on the fifteenth day of May, in the year eighteen hundred and twenty-six, on lands situated on the Dardenne creek, in the county of St. Charles; that said survey contains sixteen hundred arpents, and was and is exclusively located on lands formerly belonging to the royal domain, and at the date of survey to the United States. That since the survey of said tract of land so made, the said Macky Wherry has departed this life, and that neither the said petition, and concession and claim thereunder, have been submitted to the recorder or board of commissioners heretofore created for the adjustment of Spanish and French land claims. The prayer of the petition is, that said claim may be inquired into and confirmed in manner and form as authorized by the acts of Congress. The attorney of the United States, by answer filed to said petition, states, that the respondent is wholly ignorant and uninformed of the matters and things in said petition contained; that he neither admits nor denies them, or any part of them; but prays that said petitioners may be held and required to prove the material allegations in said petition contained, and all matters and things that may be deemed essential to the confirmation of said claim.

And thereupon was offered in evidence to the court, on behalf of the petitioners, a petition dated on the fifteenth day of April, in the year eighteen hundred and two, signed by Macky Wherry, and addressed to Charles Dehault Delassus, Lieutenant Governor of Upper Louisiana, praying a concession of sixteen hundred arpents of land, or thereabouts; and a concession and order of survey, bearing date the eighteenth day of the month and year last aforesaid, by which the said Charles Dehault Delassus ordered and directed Antoine Soulard, the surveyor of the province of Upper Louisiana, to put the said Wherry in possession of the land solicited, and to make a plat and certificate of the same.

Mary P. Leduc, a witness offered on behalf of the petitioners, states, that he was well acquainted with the handwriting of Antoine Soulard, late surveyor of Upper Louisiana; and also, with the handwriting of Charles

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Dehault Delassus, late Lieutenant Governor of Upper Louisiana; and that the handwriting in the body of the concession offered in evidence in this case, is the handwriting of the said Soulard, and that the signature thereto is that of the said Delassus; and that he is also well acquainted with the handwriting of Peter Provenchere; and that the petition which appears above the signature of Macky Wherry, and addressed to the said Lieutenant Governor, in reply to which the said concession is made, is the handwriting of the said Provenchere. Said witness also states, that he arrived here in the year seventeen hundred and ninety-nine, and that he found said Macky Wherry in this country.

Arend Rutgers, a witness in this case, offered on behalf of the petitioners, states, that he well knows the handwriting of said Soulard; and that the body of the said concession is in the handwriting of the said Soulard; and that he is also well acquainted with the handwriting of the said Lieutenant Governor; and that the signature to the said concession, is in his handwriting; and that he is also well acquainted with the handwriting of the said Provenchere; and that the body of the said petition to the said Lieutenant Governor, is in the handwriting of the said Provenchere; and that he is also well acquainted with the handwriting of Macky Wherry, the petitioner for said concession; and that the signature affixed to the same is his signature; said witness further proves, that said Macky Wherry, deceased, a year or two since, said witness states, that he arrived in this country about the year eighteen hundred, and that he was desirous to procure some person to live upon his farm, to superintend his farm and negroes; and that he was recommended to said Wherry, as a suitable person for that purpose; and that he found him then residing at the town of St. Charles; that from the year eighteen hundred and one to the year eighteen hundred and three, as witness thinks, the said Wherry resided on said Rutgers's farm, and superintended the same; said farm being in the county of St. Charles; that said Wherry had a family of children, he thinks two daughters, and now has three sons; the younger of which, he thinks, was born during the time that said Wherry resided on witness's farm; that said Wherry possessed a negro woman, some horned cattle, and, he thinks, a horse.

Luke E. Lawless, a witness offered on behalf of the petitioners, states, that the said petition and concession have been translated by him; and that the papers now presented are true translations of the same, and are in the words and figures following, to wit:

To Don Charles Dehault Delassus, Lieutenant Colonel of the armies of his Catholic Majesty, and Lieutenant Governor of Upper Louisiana:

Macky Wherry, for a long time past an inhabitant of this part of the Illinois, has the honor of very humbly exposing that he formerly obtained from your predecessor, Don Zenon Trudeau, a small concession of four hundred arpents of land in superficies; since that time, his family being much increased, and particularly his animals increased in number considerably, that little quantity of land is no longer sufficient for their support; this being considered, sir, he prays you to be pleased to grant him and his heirs, a concession of sixteen arpents of land in superficies, or thereabouts, situated near the rivers of Dardenne and Mississippi, in the vacant lands of his Majesty, and what he will point out at the time that the survey thereof shall

be made. The suppliant ventures to hope from you this favor, which he believes he deserves by his conduct and his devotedness to the Spanish government.

MACKY WHERRY.

St. Louis, 15*th April*, 1802.

St. Louis of Illinois, 18*th April*, 1802. Considering that the suppliant is an old inhabitant of this country, and that his family is sufficiently large to obtain the quantity of land which he solicits, I grant to him, for him and his heirs, the land which he asks for if it do not prejudice any body; and the surveyor, Don Antonio Soulard, shall put the party interested into possession of the quantity of land which he demands, in a vacant place of the royal domain; which being done, he will make a plat of survey, delivering it to said party, and a certificate, in order that it may serve to obtain the concession and title, in form, from the senior Intendant General, to whom belongs particularly, by the royal order, the distributing and granting all classes of vacant lands.

CARLOS DEHAULT DELASSUS.

Said witness further states, being examined by the court, that he is well acquainted with the handwriting of the said Soulard and of the said Delassus; and that the body of the said concession is in the handwriting of the said Soulard, and the signature thereto is the signature of the said Delassus; and that he is also well acquainted with the handwriting of the said Provenchere, and believes the said petition of the said Wherry to be in his handwriting. The said witness further states, that he has had occasion, professionally, to examine a great number of those concessions issued by the Lieutenant Governors and commandants of Upper Louisiana; and that the body of a great number of those concessions, he thinks a majority of those which he has seen, are in the handwriting of the said Soulard; and being further examined, says, that he has an interest in the confirmation of all the claims which, as solicitor, he has brought before this court, the said interest being contingent and depending upon the confirmation of the claims; that the amount of his interest, generally, is about ten per cent. upon the claims; that he has also a like interest in many other claims which he did not bring before the court, in consequence of a belief that, from the decision of the court, they would not be confirmed. Witness further states, that George F. Strother is united with him as solicitor in all the cases which he has brought, and is entitled with witness to an equal share in the contingent fee in each case; and that they have an equal interest to the same extent in all the claims brought before the court by said Strother, and that no other person is concerned with said solicitors in interest in said claims.

Mrs. Dodge, a witness offered on behalf of the United States, states, that when said Wherry first came to this country, he resided in this town; that he remained here for two or three years, and then intermarried with her sister; that during this period, he did business as a merchant, in partnership with another gentleman; that after said intermarriage, he removed to the town of St. Charles, and while there, he cultivated land in the common field with the French; that while he resided in St. Charles, his oldest son, Joseph Wherry, was born, who is now twenty-eight years of age; that said Wherry, at the time he resided at St. Charles, lived in a small house, and owned a house and lot; that he possessed, also, a negro woman, and about seven or eight head of horned cattle; does not know whether he possessed a horse at

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that time; that said Wherry afterwards went to reside on the farm of Mrs. Rutgers, where he remained for some time—how long this witness does not now recollect; and afterwards returned to the town of St. Charles, and was made the sheriff of the county of St. Charles; witness does not recollect the time when said Wherry first arrived in this country.

John B. C. Lucas, also a witness on behalf of the defendants, states, that he arrived in this country in the year eighteen hundred and five, and was one of the commissioners appointed for the adjustment of land titles; that he officiated in that character for many years; that he had corresponded with the said Soulard prior to witness's arrival in this country; that he had also seen him write, and well acquainted with his handwriting; that the body of the said concession was in the said Soulard's handwriting; that he was also well acquainted with the signature of the said Delassus, as the same has been proved to be his before the board of commissioners; that proof of his signature had been made so frequently before the board, that they at last became so well acquainted with it as to dispense with its proof; that he has no doubt the signature to the said concession is the signature of Delassus; that great numbers of the concessions which were presented to the board of commissioners during the time he was a member of that board, were in the handwriting of the said Soulard; he believes they were generally so. Witness further states, that he is also well acquainted with the handwriting of the said Pierre Provenchere, frequently saw him write, and believes the said petition of the said Wherry to be in his handwriting. Said witness further states, that said Soulard officiated as surveyor in the district of Upper Louisiana, under an appointment from General Wilkinson, then governor of said district; and that he was officiating in that office when said witness arrived in this country, and for some time afterwards; and that his official acts, as witness believes, were afterwards legitimated by an act of Congress, it being understood that the appointment by Wilkinson was unauthorized.

John Mullanphy, a witness on the part of the United States, says he is well acquainted with the handwriting of Antoine Soulard: has often seen him write, and believes said concession to be in his handwriting; says he has also seen said Provenchere write, knows his handwriting, and believes the petition of said Wherry is in the handwriting of said Provenchere.

The death of James Macky having been proved to the court, the following proceedings of the board of commissioners for the adjustment of land titles, including the deposition of James Macky, duly certified and proved by the recorder of land titles in the State of Missouri as a true copy from the minutes of said board, were offered in evidence on behalf of the United States: which said proceedings and depositions are in the words and figures following, to wit:

September 20th, 1806. The board met agreeably to adjournment; present the honorable John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, Esquires.

Macky Wherry claiming 400 arpents of land situate on the river au Cuivre, district of St. Charles, produces a concession from Zenon Trudeau, dated the 1st March, 1798, and a survey of the same, taken the 18th December, 1803, and certified the 20th January, 1804.

James Macky, being duly sworn, says, that he knows of claimant claiming no other land in his own name in the territory; that he has known him in the country for upwards of ten years, and heard him say, prior to October, 1800, that he had obtained the aforesaid concession, and further, that he was, at the time of obtaining the same, the head of a family. The board reject this claim.

Pierre Provenchere and Antoine Soulard having been proved to be dead, the following proceedings of the board of commissioners for the adjustment of land titles, including the depositions of Pierre Provenchere and Antoine Soulard, duly certified and proved by the recorder of land titles in the State of Missouri as a true copy from the minutes of said board, were offered in evidence on behalf of the United States; which said proceedings and depositions are in the words and figures following, to wit:

Friday, November 18th, 1808 Board met; present, the honorable John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Macky Wherry claiming sixteen hundred arpents of land unlocated in the county of St. Charles, by virtue of a concession said to be lost, produces to the board a notice of claim, dated 24th June, 1808. Pierre Provenchere, sworn, says that about the spring or summer of 1801, when he, witness, resided with Charles Dehault Delassus, Lieutenant Governor, he saw a concession from said Delassus to Macky Wherry, and had the same in his possession, for 1600 arpents of land lying in the district of St. Charles, lying on the river Dardenne, or river Cuivre; claimant at that time resided in this country with his family. Antoine Soulard, sworn, says, that about the year eighteen hundred, he had a concession in his hands for the purpose of making a survey from Charles Dehault Delassus, Lieutenant Governor, to claimant, for 6 or 800 arpents; that he, witness, gave the said concession to some of the deputy surveyors, since when he had not seen it, nor does he know what has become of it. It is the opinion of the board that this claim ought not to be confirmed.

The death of Macky Wherry being proved to the court, the following deposition of said Macky Wherry, certified and proved by the recorder of land titles in the State of Missouri to be truly copied from the testimony of record taken before the recorder, under the law passed the 26th May, 1826, (1824), which said deposition is in the words and figures following, to wit: Macky Wherry, being duly sworn, says, that when he first came to reside in this town in A. D. 1798, that the prairie des Noyer was under fence and in cultivation, and that there was a fence from the prairie des Noyer fence to Chouteau's mill dam; and from thence to the wooden block house below the town; and running from thence up to the Mississippi river above town. That the big prairie at the time was not under cultivation, but it did bear recent marks of cultivation; and this deponent further says, that he has read the testimony of Augusta Chouteau in relation to the bounds of the prairie and the Cul de Sac, and from his knowledge of the country, he, this deponent, believes it to be true.

M. WHERRY.

Sworn to before me, June 3d, 1825.

THEODORE HUNT,
Recorder of land titles.

Mary P. Leduc, being further examined in this case, says, that he acted as translator to the board of commissioners for the adjustment of land titles, during the time that said board sat as such commissioners, with the exception of about six weeks; that the concessions which were presented to said board, were in the handwriting, some of Zenon Trudeau, some of Louis Labeaume, some of David Delannay, some of Pierre Provenchere, some of Charles Dehault Delassus, some of Jacques Clamorgan, some of said witness, and some of Antoine Soulard; but the greater part of those seen by witness, were in the handwriting of said Soulard; there were some others

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in the handwriting of persons not now recollected; that said witness was very well acquainted with the handwriting of said Louis Labeaume, David Delannay, Pierre Provenchere, Charles Dehault Delassus, Jacques Clamorgan, and Antoine Soulard, having frequently seen them all write; that he never saw Zenon Trudeau write, but knows his signature, having often seen it signed to his official acts; the concessions to which witness refers are subsequent to the year 1796, and inclusive of a part of that year; believes that there were some concessions made anterior to the year 1796, which are not recorded in the livre terrien, but is not certain; is sure that there cannot be many; and if there were any that were not recorded in livre terrien, they were made in the time of Zenon Trudeau, subsequent to the year seventeen hundred and ninety-two, inclusive; that witness is familiar with the records in the office of the recorder of land titles, having assisted Mr. Bates, the recorder, in discharging the duties of that office for many years, commencing with the year eighteen hundred and eight, until the books and papers were delivered to the present recorder, about the year eighteen hundred and twenty four; that witness himself transcribed the books of livre terrien, commencing in the year seventeen hundred and sixty-six and ending in the year seventeen hundred and ninety-six or ninety-seven, except some few grants that had been already recorded; that he recorded them for Mr. Bates, the recorder; that witness was the private secretary of Lieutenant Governor Delassus as early as November, seventeen hundred and ninety-nine, and continued to be so during the continuance of the Spanish government here; that during the same time, Antoine Soulard was the surveyor of Upper Louisiana, and, after the change of government, continued to discharge the duties of said office down to the year eighteen hundred and six, under an appointment from General Wilkinson, as witness believes; that the livre terrien, of which witness has spoken, is the book in which the concessions were recorded verbatim, and signed by the Lieutenant Governors severally, when they issued the same; and, as witness believes, who has compared a few of the concessions with those recorded in the books mentioned, that the concessions recorded are all recorded in full; that the livre terrien consists of books from No. 1 to No. 6, inclusive, and were formed of quires of paper sewed separately into a distinct book, each book being formed of about one quire; thinks the book of plats in the surveyor's office was formed pretty much in the same way; the books of the livre terrien were covered with pasteboard, and numbered on the back by said Soulard; witness says, that Lieutenant Governor Delassus continued to make concessions until the transfer of possession to the United States, in March, eighteen hundred and four; that he knows of but one concession made since that time, and that was made to Adam House, for four hundred arpents, and was made to bear date before the transfer, and has been confirmed; that Mr. Delassus, after the change of government, continued in St. Louis about eight months, during which time applications were made to him for concessions, and sums of money offered to obtain them, and the applications rejected with indignation, within the knowledge of witness; that said Delassus, after the time mentioned, left this for New Orleans, and that place for Pensacola, and from that place for Baton Rouge, where he exercised the office of Governor, in which office he remained until that country was taken possession of by the Americans; that the said concession was made to Adam House, in consequence of the recommendation of Zenon Trudeau, which recommendation and petition had been mislaid and not found until after the transfer, and is positive that none other was made after the said transfer; says that the said

Lieutenant Governor continued to issue concessions after the notice of the Intendant of the death of the assessor, in the year eighteen hundred and two, and his order not to receive further petitions for lands down to the change of government, and down to this period, continued to issue them about in the same proportion that he had issued them before the said notice; cannot say what proportion of the concessions made after the said notice of the Intendant, were made to bear date anterior to the said notice, and in the years 1799, 1800, 1801, and 1802, but believes that about sixty were made to bear date during those years; witness was absent from this place from May to December, in the year 1803, and does not know that more concessions were issued towards the close of the Spanish Government here than had been at any time before; that when petitions for lands were presented to the Lieutenant Governor, he would file them, where they would generally remain for considerable time, and they would then be given out to Mr. Soulard, or somebody else, to write the decrees of concession, and when he would sign them, he would make them bear date at the time at which the petitions were presented, and would tell the applicants that their best title was their axes and their hoes, and to go and cultivate; says that the concessions in the 6th book of the livre terrien are principally surveys of town lots; that the 5th book of livre terrien contains concessions of a later date than the 6th, and includes, as witness believes, grants made during the period of Zenon Trudeau, that is to say, between the years 1792 and 1797, inclusive, of which record appears to have been made; and that the concessions in said book are mostly in the handwriting of Clamorgan, and signed by the said Lieutenant Governor Trudeau; that said Clamorgan, Louis Labeaume, Charles Gratiot, and Gabriel Cerré, who appear, by the list of claims extracted from the livre terrien, to have received large concessions, were men of very considerable wealth when witness arrived in this country, and all men with families except Clamorgan; that Benito Vasquez, who, by the said list, appears also to have had a large concession, was a captain in the pay of the king, commanded this post in the absence of the Lieutenant Governor, and had a large family. Witness says that he is interested in the confirmation of the claim of a league square decreed against by this court at the present term, which was originally conceded to De Luzieres; that his interest is derived through Delassus, the late Lieutenant Governor; that he is also interested in the confirmation of a claim of fifteen thousand arpents conceded to him in his own name, of which a league square has been confirmed; that he had no family until the year 1802; states that Lieutenant Governor Trudeau, when he left here, went to Lower Louisiana, where he lived several years, and until he died. Witness further states, that on the tenth day of March, 1804, he was appointed by captain Stoddard, syndic of the town and vicinity of St. Louis, within four miles thereof; that on the first day of October, in the year 1804, he was appointed by Governor Harrison judge of probate, recorder, and notary public of the city of St. Louis; on the 14th of December, 1805, he was appointed translator to the board of commissioners; in the year 1807, he was appointed, by Frederick Bates, acting Governor of the territory, ensign and adjutant of the 1st regiment of St. Louis, and quartermaster of the same; a justice of the peace and notary public in the same year; in 1810, by said Bates, to administer oaths of office; that commissions as justice of the peace, judge of probate, notary public, recorder and register of boatmen, were renewed by said Bates in the year 1812; that in the year 1812, he was appointed clerk of the court of common pleas; in 1815 he was appointed clerk of the county court; in February,

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1815, he was appointed clerk of the circuit court, which he resigned in 1818, and received from the Judge presiding a note expressive of the great satisfaction with which the duties of said office had been discharged. That in the year 1818, the witness was elected a member of the Assembly; in 1820, when Missouri became a State, he was also a member of the Assembly; in 1822 he was again elected a member of the same body, and resigned; that in 1805 he was commissioned judge of probate for the county of St. Louis, by Frederick Bates, Governor, by and with the advice and consent of the Senate. The court of probate being abolished and the county court created, he was appointed the presiding justice of that court, and is now the presiding justice of said court. Said witness further says, that the distance between the Mississippi and the road to prairie Catalan, mentioned in the said list extracted from the livre terrien, is about seven or eight arpents; says that, as translator to the board of commissioners, it was his duty to read the concessions which were in the Spanish language, and the petitions which were in the French language; and that all the petitions which were presented to the board were read by him; and that he is satisfied that all those which were presented to the said board and bore the signature of the said Delassus or said Trudeau, did bear their genuine signatures. Said witness further states, that he recollects of the receipt, by the Lieutenant Governor, of the letter of the Intendant of the first of December, 1802, announcing the death of the assessor; and that no further memorials for lands might be received and transmitted; but cannot state the time at which it was received, but thinks that, from the mode of communication at that time, that the said letter could not reach this place in less than seven or eight months after its date; neither knows of, nor has heard of, any sales of land having been made in Upper Louisiana by the Spanish government. Said witness further states, that the livre terrien contains one hundred and seventy-six concessions for tracts of land, surveys of eighty-five common field lots for the town of St. Louis; one hundred and thirty-three concessions for town lots in St. Louis and Carondelet, perhaps a few elsewhere; and surveys of town lots in St. Ferdinand, thirty-five, and in Marais des Liard, thirteen. That town lots and common field lots were generally occupied without any concession; and that he neither knows nor has heard of any concession in any other town or village, a dependency of the post of St. Louis, except, perhaps, a very few in St. Genevieve, and a concession for Portage de Sioux; that tracts of land were frequently occupied and improved without any concession; that the said livre terrien shows a continuation of grants from the year 1766 to 1797, without the intermission of any one year. Said witness further states, that he arrived in Upper Louisiana at New Madrid, in February, 1793, which continued to be his place of residence, occasional absences excepted, until he removed to St. Louis; says that the jurisdiction of the Lieutenant Governor of Upper Louisiana for the purpose of conceding lands, comprehend ed the posts of St. Louis, St. Genevieve, cape Gerardeau, and St. Charles; that there were also other posts in the said districts, and petitions were frequently presented to the commandants of those several districts, or to the commandants of the posts within them; but most generally the application was made to the Lieutenant Governor himself; when to the former, they were transmitted with their recommendations to the Lieutenant Governor at St. Louis, who made the concessions; and that the post of New Madrid was a distinct post for the purpose of making concessions; says he was acquainted with most of the persons whose names appear on three several plats of tracts of land, of which Louis Labeaume,

Jacques de St. Vrain, and Albert Tison, appear to be the assignees of the said persons; said plats being marked into tracts of 800 arpents, and making in all fifty-one tracts of eight hundred arpents each; that about the year 1800, and before and since, said assigners were generally villagers, with the exception of about six; and that many of them cultivated in the common field lots; says that some of the excepted number were farmers; that since, some of those villagers have removed to their common field lots, particularly those of St. Ferdinand; witness knew of but one person of the name of Pierre Provenchere; nor but one of Macky Wherry; nor but one of Antoine Soulard; nor but one of James Macky; all of whom have deceased. Witness says he has an interest in the confirmation of the claim of Charles Dehault Delassus, for thirty thousand arpents, said interest comprehending one-third of the whole claim.

Antoine Chenie, a witness on behalf of the United States, proved that he was well acquainted with Mathurin Bouvet, to whom, by the said list from the livre terrien, there appears to have been a concession of 84 arpents in front, from the hills to the Mississippi at the bay of St. Charles; and that at the said place where the said Bouvet lived, and for about six miles up and down the said bay, the hills approach very near to the said bay, leaving but a narrow strip between them and the said bay of a few arpents in width; and that the land intervening between the bay and the main channel forms an island.

Pascal L. Cerré, a witness on behalf of the United States, says, that according to his information, there was a gradual increase of the population from the first settlement of this country down to the year 1791, and that after that period, he thinks there was a more rapid increase of population by emigration from the United States to the neighborhood of St. Louis and its vicinity, down to the change of government.

The following proceedings of the board of commissioners for the adjustment of land titles, including the deposition of James Macky, duly certified and proved by the recorder of land titles in the State of Missouri as a true copy from the minutes of said board, were offered in evidence on behalf of the United States; which said proceedings and deposition are in the words and figures following, to wit:

April 17th, 1806. The board met agreeably to adjournment. Present, the honorable John B. C. Lucas and James Donaldson, Esquires.

William Meek, assignee of Francis Woods, claiming 240 arpents of land situate on the river Tuque, district of St. Charles, produces a concession from Charles D. Delassus, dated on the 21st September, 1799, and a certificate of survey of the same, dated December 27th, 1803, and a deed of transfer from the said Francis Woods to claimant, dated 30th June, 1804.

James Macky being also sworn, and being interrogated as to the handwriting of the petition of the said Woods, said he believed it to be his; being asked if the said concession was signed at the time it bears date, refused to answer, but said that the facts stated in the petitions as ground for concessions, were mere routine. The board being satisfied that the aforesaid concession is a fraudulent and antedated one, reject this claim; they, however, think it a case of hardship.

The following proceedings of the board of commissioners for the adjustment of land titles, including the deposition of Antoine Soulard, duly certified and proved by the recorder of land titles in the State of Missouri, was offered in evidence on behalf of the United States, which said proceedings and deposition are in the words and figures following, to wit:

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May 2d, 1806. The board met agreeably to adjournment. Present, the honorable John B. C. Lucas and Clement B. Penrose, Esquires.

David Delannay claiming 800 arpents of land situate on the waters of the river Renaud, district of St. Charles, produces a concession from Charles D. Delassus, without any condition expressed in the same, dated January 8th, 1800, and a survey of the same, taken the 3d January and certified April 15, 1804. Anthony Soulard being duly sworn true answers to give, &c.

Question. Were you the surveyor of Upper Louisiana under the Spanish government?

Answer. Yes.

Q. Was it any part of the duties imposed on you by the Spanish law and the functions of your office, to obey the order of the Lieutenant Governor without any regard to their legality or illegality?

A. Yes, the Lieutenant Governor was accountable for it.

Q. From whom did you receive your appointment?

A. From the Governor General of Lower Louisiana, the Baron de Carondelet.

Q. Is that your handwriting? (shewing him the aforesaid concession.)

A. I believe it is.

Q. Do you recollect when that was written; and is it your belief that it was written at the time it bears date?

Here the witness refused to answer; whereupon he was asked by the board whether he meant to give similar answers to the questions in all similar cases, and answered, yes. The board not being still satisfied, required further proof of the date of the above concession, which not being adduced, they reject this claim. The same claiming 7,056 arpents of land situate in the district of St. Charles, produces a concession from Charles D. Delassus, without any condition expressed in the same, dated May 9, 1800; and a survey of the same, dated December 25, 1803, and certified 20th January, 1804. The same questions were put to Anthony Soulard, who gave the same answers. The board being not still satisfied, required further proof of the date of the said concession, which was not adduced.

On behalf of the United States was further offered in evidence a list of concessions proved by the recorder of land titles to contain a full and true extract of all the concessions contained in all the books of livre terrien in his office, exclusive of town lots and common field lots under the quantity of three hundred arpents; and that the said list truly exhibits the quantity of the concession in each case, as far as the same appears by the said books, the time of issuing the same, and to whom and by whom the said concessions were issued, as appears of record in the said books; and that the said books commence on the 27th day of April, 1766, and end on the 20th day of April, 1797, inclusive; and it appearing by the evidence of the said Leduc and the said Chenie, in which reference is made to the said list, that the said concessions amount, in all, to somewhere about or between forty-four and fifty thousand arpents.

And on behalf of the United States was further offered in evidence, a list purporting to be a list of claims not surveyed, extracted from the register of opinions given by the commissioners against claims entered as derived from Spanish concessions or orders of survey in Louisiana, in the district of St. Charles, and proved by the recorder of land titles to be truly extracted from the said register of opinions relating to grants in the said district of St. Charles, and to exhibit truly the quantity of the concession in each case, the time at which the same was issued, to whom and by whom issued, and

by whom the claim was filed, and the time at which it was acted upon by the commissioners, as each of these facts appears of record in his office. Said recorder further proved, that there were three or four other districts, the unsurveyed claims in which he has not particularly examined, but believes that those in the district of St. Charles are more numerous than those in either of the other districts; the amount of the claims in the said list being about six hundred and thirty thousand arpents.

And on behalf of the United States was also offered in evidence, a list of the claims of Jacques de St. Vrain, Louis Labeaume, and Albert Tison, to lands as presented by them to the boar[illegible] of commissioners for the adjustment of land titles, exhibiting the names of the original grantees, the date of the concessions, the amount conceded, and the date of the surveys of the same, the time at which they were presented to the board of commissioners for confirmation, and the time at which notice of them was filed with the recorder, as the same appears of record in the office of the recorder of land titles in the State of Missouri, proved by the said recorder of land titles to be truly extracted from the records in his office, and to exhibit truly all the facts stated therein, as the same remains of record in his office; which said list contains claims, in all, amounting to about ninety thousand arpents, and is the same list referred to in the testimony of the said Leduc.

And on behalf of the United States was further offered in evidence, a plat of thirty-five tracts of land, containing eight hundred arpents each, bounding on each other, and forming a parallelogram one hundred and forty arpents in front by two hundred arpents in depth, containing, in all, twenty-eight thousand arpents; and also a certificate of survey of the said tracts, purporting to be made by the said Soulard, on the 28th day of March, 1804; which said plat and the certificate, as translated, states the survey to have been made for Louis Labeaume and Jacques de St. Vrain, on the 20th day of February, 1804, as assignees, to wit: 21 tracts for the said Louis Labeaume and the residue for the said St. Vrain, which said certificate and plat were proved by the recorder of land titles to be fully and truly copied from the records remaining in his office; and that the tracts therein mentioned are the same which appear in the list of claims of the said St. Vrain, Labeaume, and Tison; said plat is one of three plats referred to in the testimony of said Leduc.

And on behalf of the United States was further offered in evidence, a plat of ten tracts of land containing eight hundred arpents each, bounding on each other, and forming a parallelogram two hundred arpents in front by forty in depth, containing, in all, eight thousand arpents; and also a certificate of survey of said tracts purporting to be made by the said Soulard, on the 20th day of March, 1804; which said plat and certificate, as translated, states the said survey to have been made for Albert Tison, as assignee, on the 13th day of February, 1804; which said certificate and plat were proved by the recorder of land titles to be fully and truly copied from the records remaining in his office, and that the tracts therein mentioned are the same which appear in the list of claims of the said St. Vrain, Labeaume, and Tison, above mentioned; said plat is one of three plats referred to in the testimony of the said Leduc.

And on behalf of the United States was further offered in evidence, a plat of six tracts of land containing eight hundred arpents each, bounding on each other, and forming a parallelogram one hundred and twenty arpents in front by forty arpents in depth, containing in all four thousand eight hundred arpents; and also a certificate of survey of the said tracts purporting

to be made by the said Soulard, on the 28th day of March, 1804; which said plat and the certificate, as translated, states the said survey to have been made on the 11th day of February, 1804, for Jacques St. Vrain, assignee; which said certificate and plat was proved by the recorder of land titles to be fully and truly copied from the records remaining in his office, and that the tracts therein mentioned are the same which appear in the list of claims of the said St. Vrain, Labeaume, and Tison; said plat being one of three plats referred to in the testimony of said Leduc.

Said witness, Leduc, being further examined on behalf of the United States, says, that he was absent from St. Louis for six or seven months prior to the month of December, 1803, and that on his return he first heard of the treaty of cession to the United States.

George Shannon, the attorney for the United States, being called upon and examined by the court, says, that he belonged to the expedition under the command of captains Lewis and Clark, and that the party arrived on the opposite side of the river Mississippi opposite to this town, in the month of November, 1803; and that the treaty of purchase of Louisiana was known to the expedition before the time of their arrival, as he believes.

On behalf of the United States was further offered in evidence, a list extracted from the registry of plats of surveys in the office of the surveyor general, exhibiting, exclusive of those under three hundred arpents, the tracts surveyed; the quantity in each tract; the names of the original claimants; and, as to a proportion of said tracts, the date of each concession and survey; and no other evidence being offered by either party, and for that it seems to the court, that by the royal order of Spain of the twenty-fourth of August, seventeen hundred and seventy, directed to the Governor of Louisiana and his successors in office, the instruction which had been framed by General Alexander O'Riley, of the date of the eighteenth of February of the same year, was exclusively to regulate the grant and distribution of the crown lands in Louisiana, so long as the king should not otherwise dispose; and for that the decree of the same king of the twenty-second of October, seventeen hundred and ninety-eight, which transferred the power to grant and distribute those lands to the Intendancy of that province, and revoked the power under which, by said royal order, the said governors had distributed the said lands, did not abrogate the said instruction, but left the same in full force, and also introduced the royal regulation of seventeen hundred and fifty-four, and the laws cited therein, as well as the eighty-first article for the establishment of the Intendants of New Spain; and for that it seems to the court from the evidence aforesaid, the said claims of the said petitioners was fraudulent at its inception, and according to the said instruction, and also according to the regulation made by Morales, the Intendant of the said province, dated on the seventeenth day of July, in the year seventeen hundred and ninety nine, is invalid both at law and in equity. The validity of said title and claim of the said petitioners, is therefore, ordered, adjudged, and decreed against; and it is further ordered, adjudged, and decreed, that the said Joseph A. Wherry, Macky M. Wherry, and Daniel B. Wherry, pay all costs occasioned by the prosecution and defence of said petition, and that execution go therefor.

An extract from all the numbers of livre terrien, as offered in evidence on the trial of this cause, and referred to in the testimony of Mary P. Leduc, is in the words and figures following, to wit:

A list of the concessions granted and of record in the livres terriens in my office, from the 27th of April, 1766, to the 20th of April, 1797, inclusive, exclusive of town lots and common field lots under the quantity of three hundred arpents.

TO WHOM GRANTED.	AND BY WHAT LIEUT. GOV.	AT WHAT TIME.	QUANT'Y GRANTED.	REMARKS.
Laclede Liguest -	St. Ange -	Aug. 11, 1766	8 by 40	
Laclede Liguest -	Francis -	Aug. 11, 1766	6 by 80	
Laclede Liguest -	- - -	- -	7½ by 40	Survey.
John B. Lepire -	Francis Cruzat -	Dec. 27, 1778	An island	Annulled the 6th April, 1779, as being considered prejudicial to the king's interest and public good. SEYBA.
Jean Seindre -	Ferdinand de Seyba -	Nov. 24, 1779	8 by 40	
Jean Albrane -	same -	Nov. 24, 1799	8 by 40	
Gabriel Cerré -	Francis Cruzat -	Oct. 12, 1782	8 by 40	A salt spring on the Merimack.
J. Bt. Martigny -	same -	April 25, 1803	12 in front	
Benito. Vasquez -	same -	Sept. 12, 1784	7,056	
Charles Gratiot -	same -	Feb. 14, 1785	84 by 84	
Charles Taillon -	same -	June 7, 1786	40 by 40	Formerly granted to Angelica Channing, May 12, 1785.
Gabriel Cerré -	same -	July 10, 1786	7,056	
Joseph Brazeau -	same -	Nov. 20, 1786	10 in front	Between the Mississippi and the road to Prairie Catalan.
Benito. Vasquez -	same -	Nov. 20, 1786	9 in front	Between the Mississippi and the road to Prairie Catalan.
Louis Loriné -	same -	Aug. 13, 1787	20 by 80	Bois Bruté, St. Genevieve.
Jacque Clamorgan -	same -	Oct. 18, 1787	10 by 40	
Charles Peyroux -	Manuel Perez -	June 1, 1788	15 by 40	
Jacob Shilling -	same -	July 30, 1788	10 by 10	
Gabriel Cerré -	same -	Mar. 15, 1789	10 by 40	
Robert Ouen -	same -	Mar. 27, 1789	8 by 40	

Auguste Chouteau -	same -	May 26, 1791	20 by 40	
Emelian Joste -	same -	June 5, 1791	20 by 40	
Jacque Clamorgan -	Zenon Trudeau -	June 20, 1793	20 by 40	
Jacque Clamorgan -	same -	Sept. 18, 1793	40 by 40	
Francis Polievre -	same -	Sept. 20, 1793	8 by 40	
Israel Dodge -	same -	- -	25 by 40	
George Lalande -	same -	Sept. 21, 1793	10 by 40	
Jacques Clamorgan -	same -	Sept. 25, 1793	40 by 40	
Joseph Brazeau -	same -	Sept. 27, 1793	40 by 40	
Jacque Clamorgan -	same -	Oct. 5, 1793	40 by 80	
Francis Polivre -	same -	Oct. 5, 1793	40 by 40	Plat.
Jacque Clamorgan -	same -	Oct. 5, 1793	20 by 40	Confirmation of a grant by Don Francisco Cruzat.
Mathurin Bouvet -	same -	June 1, 1795	20 by 20	Salt spring.
Mathurin Bouvet -	same -	June 12, 1795	84 in front	Baye de St. Charles from the hills to the Mississippi.
Joseph Naybour -	same -	Nov. 22, 1795	8 by 40	
Joseph Robedow -	same -	April 15, 1797	10 10½ spf'l.	
Hyat. St. Cyr -	same -	April 20, 1797	16 by 40	

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RECORDER'S OFFICE,
St. Louis, January 13, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify that the above and within is a true abstract of all the claims recorded in the livre terrien, exclusive of town lots and common field lots under the quantity of three hundred arpents, the said livre terrien commencing April 27, 1766, and ending 20th August, 1797, of record in my office; and that the said abstract also truly exhibits the date and quantity of the concession in each case, and the person to whom conceded, as appears by the same record.

THEODORE HUNT.

A list of unsurveyed claims in the district of St. Charles, extracted from the register of opinions of the board of commissioners given against claims, &c., as offered in evidence on the part of the United States on the hearing of this cause, is in the words and figures following, to wit:

A list of claims not surveyed, extracted from the "register of opinions given by the commissioners against claims entered as derived from Spanish concessions or orders of survey in Louisiana, district of St. Charles.

To whom granted.	Date of concession.	By whom granted.	No. survey.	Quantity granted.	Date of the time when acted upon by the commissioners.	Names of the persons who was claimant before the board.
				200	Nov. 27, 1811	John Mullanphy.
				200	Nov. 27, 1811	John Mullanphy.
Etienne Pepin -	18th Oct. 1800,	Delassus -		1,600	Dec. 6, 1811	Etienne Pepin.
Andrew Peltier -	15th May 1800,	- -		800	Dec. 6, 1811	Edward Hempstead.
Solomon Petit -	4th Jan. 1803,	same -		400	Dec. 6, 1811	Solomon Petit.
Seneca Rollins -	22d Dec. 1802,	same -		400	Dec. 6, 1811	James Mackay.
Joseph Ray -	5th April 1800,	same -		600	Dec. 6, 1811	Louis Labeaume.
Moses Russell -	14th Feb. 1803,	same -		400	Dec. 9,	Moses Russell.
Joseph Russell -	14th Dec. 1802,	same -		500	Dec. 9,	Joseph Russell.
James Russell -	15th June 1802,	same -		600	Dec. 9,	James Russell.
Etienne St. Pierre -	8th Oct. 1799,	same -			Dec. 9,	Pierre Chouteau.*
Mathew Saucier -	28th Nov. 1800,	same -		1,200	Dec. 9,	Pierre Chouteau.
				480	Dec. 10,	John Btt. Belland.
John Btt. Tison -	19th Nov. 1799,	same -		7,056	Dec. 10,	Louis Labeaume.
Pierre Chouteau fils -	18th Jan. 1800,	same -		an island	Aug. 18, 1810	Pierre Chouteau fils.
Therese Creely -	6th April 1803,	same -		3,528	Nov. 2, 1811	Therese Creely, widow Honoré.

Special location, quantity not given.

John Coontz -	30th May	1800,	same -	450	Nov.	13,	John Coontz and Edward Hempstead.
				800	Nov.	13,	Heirs of Wm Museek.
Antoine Dubreuille. -	19th Dec.	1799,	same -	10,000	Nov.	13,	Antoine Dubreuille.
Bap. Duchouquette -	13th Dec.	1800,	same -	4,000	Nov.	13,	Bap. Duchouquette.
Frederick Deekson -	5th June	1802,	same -	800	Nov.	14,	Fremon Delauriere.
Frs. Duchouquette -	24th Oct.	1799,	same -	800	Nov.	14,	Fremon Delauriere.
René Dodier -	9th April	1800,	same -	800	Nov.	14,	Fremon Delauriere.
Jacque Clamorgan -	3d March	1797,	Zenon Trudeau -	500,000	Nov.	14,	Jacque Clamorgan.
Jacque Clamorgan -	3d March	1797,	same -	12,000	Nov.	14,	Jacque Clamorgan.
Jacque Clamorgan -	3d March	1797,	same -	12,000	Nov.	14,	Jacque Clamorgan.
Antoine Gautier -	29th Nov.	1796,	same -	10 arp. ft.	Sept.	28, 1810	James Mackay.
Jean F. Perry -	18th July	1798,	same -	3,000	Aug.	20,	John F. Perry.
Louis Huneau -	11th Dec.	1799,	same -	320	Aug.	21,	Robert Spencer.
Auguste Cherau -	-	-	same -	240	Aug.	22,	Calvert Adams.
John Bte. Bouvet -	10th Jan.	1801,	Chs. Delassus -	400	Oct.	18, 1811	John Bte. Bouvet.
Ludwell Bacon -	6th Dec.	1802,	same -	1,000	Oct.	18, 1811	Rufus Easton and Wm. Russell.
Aug. Frs. Guiguine -	14th May	1800,	same -	800	Nov.	20, 1811	James Piper.
John Henry -	7th Feb.	1798,	Zenon Trudeau -	900	Nov.	20, 1811	James Mackay.
John Bte. Jeffry -	9th Oct.	1800,	Delassus -	800	Nov.	20, 1811	C. Fremon Delauriere.
Andrew Kinkaid -	28th Jan.	1800,	same -	600	Nov.	20, 1811	James Mackay.
Francis Lesseur -	13th April	1799,	Zenon Trudeau -	400	Nov.	25,	Francis Lesieur.
Joseph P. Lamarche -	10th Feb.	1800,	Delassus -	800	Nov.	25,	Charles F. Delauriere.
Baptiste Lorin -	14th Dec.	1796,	same -	480	Nov.	25,	Baptiste Lorin.
William Morrison -	9th June	1803,	same -	750	Nov.	27,	George W. Morrison.
William Morrison -	15th Jan.	1803,	same -	800	Nov.	27,	George W. Morrison.
Joseph Marie -	10th Jan.	1801,	same -	800	Nov.	27,	C. Fremon Delauriere.
Mane. Gonzales Moro	16th Sept.	1799,	same -	7,056	Nov.	27,	Mane. Gonzales Moro.
Mane. Gonzales Moro	20th June	1800,	same -	800	Nov.	27,	Mane. Gonzales Moro.
Normando -	20th Nov.	1799,	same -	2,500	Nov.	27,	Jacque St. Vrain.

CLAIMS NOT SURVEYED—Continued.

To whom granted.	Date of concession.	By whom granted.	No. survey.	Quantity granted.	Date of the time when acted upon by the commissioners.	Names of the persons who was claimant before the board.
				200	Nov. 27,	John Mullanphy.
				200	Nov. 27,	John Mullanphy.
				200	Nov. 27,	John Mullanphy.
				200	Oct. 9,	John Mullanphy.
Bazil Geard -	20th Nov., 1800	same -		6,808½	June 5, 1810	Bazil Geard.
				2,000	June 18, 1810	John P. Cabanné.
Newton Howell -	25th May, 1801	same -		350	June 19,	Newton Howell.
Charles Bruvie -	5th Nov., 1800	- -		800	June 28, 1810	William Nash.
Francis Cayelle -	13th Aug., 1799	- -		7,056	July 2, 1810	Julien Dubuque.
				1,600	July 9,	Macky Wherry.
Charles D. Delassus -	18th June, 1796	Zenon Trudeau -		20,000	July 10, 1810	Made. Delord Sarpy.
Charles Gratiot -	6th Jan., 1801	Delassus -		7,056	July 11, 1810	Charles Gratiot.
Pierre Chouteau -	18th Nov., 1800	same -			July 14, 1810	Pierre Chouteau.
				400	July 16, 1810	Claiborne Rhodes.
James Mackay -	May 31st, 1797	Zenon Trudeau -		400	Nov. 4, 1809	James Mackay.
Tousant Geredron -	April 5th, 1800	Delassus -		800	Nov. 15, 1809	John Mullanphy.
Gabriel Cerré -	May 25, 1800	same -		800	Nov. 15, 1809	John Mullanphy.

RECORDER'S OFFICE, *St. Louis, 27th Jan'y.*, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above to be truly extracted from the register of opinions given by the commissioners against claims entered as derived from Spanish concessions or orders of survey in Louisiana, district of St. Charles, on file in my office. THEODORE HUNT.

Sworn to in open court, January 27, 1830. JO. GAMBLE, *Clerk.*

A list of the claims of Jacques de St. Vrain, Louis Labeaume, and Albert Tison, as offered in evidence on the trial of this cause, and referred to in the testimony of Mary P. Leduc, is in the words and figures following, to wit.

A list of the claims of Jacque de St. Vrain, Louis Labeaume, and Albert Tison, to lands, as presented by them to the board of commissioners for the adjustment of land titles, with the names of the original grantees, the date of the concessions, the amount conceded, and the date of the surveys of the same, as the same appears of record in the office of the recorder of land titles in the State of Missouri.

Notice to the recorder and name of the person who submitted the claim.	Names of the persons to whom the concession was made.	No. of arpents conceded.	Date of concession.	Date of survey.	At what time acted upon by the commissioners.	Remarks.
J. de St. Vrain -	J. de St. Vrain -	900	- -	- -	May 13, 1806, &	
J. de St. Vrain -	V. Rigauche -	400	29th Dec. 1796,	5th Jan. 1802,	Aug. 17, 1811	
same -	Ge. Lord -	360	23d Aug. 1803,	23d Aug. 1803,		
same -	Bte. A. Dorvaldet Desgrosaller	7,056	19th Jan. 1799,	15th Feb. 1804,	May 23, 1806	This claim was acted upon by the board Jacques St. Vrain.
same -	D. Quick -	800	5th Feb. 1801,	5th March 1804,	May 28, 1806	
same -	L. Lajoye -	800	19th Feb. 1800,	19th Jan. 1804,	May 28, 1806	Assignee of John Bt. Dorval.
same -	F. Belanger -	800	20th Dec. 1799,	19th Jan. 1804,	May 28, 1806	Ditto Degroseller.
same -	John Besse -	1,600	8th Jan. 1801,	10th Feb. 1804,	May 28, 1806	
same -	John Jameson -	800	9th Feb. 1802,	10th Feb. 1804,	May 28, 1806	
same -	Paul Desarlaix -	800	11th July 1800,	11th Feb. 1804,	May 28, 1806	
same -	Bte. Delisle, jr. -	800	9th Oct. 1799,	11th Feb. 1804,	May 28, 1806	Jacques St. Vrain, in his notice to the re-

Notice to the recorder and name of the person who submitted the claim.	Names of the persons to whom the concession was made.	No. of arpents conceded.	Date of concession.	Date of survey.	At what time acted upon by the commissioners.	Remark.
						corder of the herein named claims, as assignee of the original grantees, further says, that he has more claims which not being surveyed, he has not presented to be registerd, dated St. Louis, Feb'y. 26, 1806.—Recorded B. C. p. 321.
J. D. St. Vrain	Bte. Delisle, sr. -	800	25th April 1800,	11th Feb. 1804,	May 28, 1806	
same -	Bte. John Billot	800	29th Feb. 1800,	11th Feb. 1804,	May 28, 1806	
same -	Eusebue Hubbard	800	7th Jan. 1803,	17th Jan. 1804,	Nov. 14, 1811	
same -	Felix Hubbard -	800	20th Nov. 1800,	17th Jan. 1804,	Nov. 14, 1811	
same -	T. Tod -	800	15th May 1801,	17th Jan. 1804,	Nov. 14, 1811	
same -	Je. Eastwood -	800	8th Feb. 1801,	17th Jan. 1804,	Nov. 14, 1811	
same -	Daniel Hubbard -	800	20th Nov. 1800,	17th Jan. 1804,	Nov. 14, 1811	
same -	St. James Beauvais	800	23d Sept. 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	Wm. Clark -	800	30th Oct. 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	James Hoff -	800	15th Nov. 1800,	20th Feb. 1804,	Oct. 18, 1811	

same -	Rivet -	800	28th Feb. 1800,	20th Feb. 1804,	May 28, 1806		
same -	Roussell -	800	25th Jan. 1800,	20th Feb. 1804,	May 28, 1806		
same -	Antoine Desarlais	800	19th Mar. 1800,	20th Feb. 1804,	May 28, 1806		
same -	Bte. Dumoulin -	800	7th Nov. 1800,	20th Feb. 1804,	Oct. 18, 1811		
same -	Ls. Grimand -	800	17th Nov. 1799,	20th Feb. 1804,	Oct. 18, 1811		
same -	Regis Vasseur -	800	23d Sept. 1799,	20th Feb. 1804,	Oct. 18, 1811		
same -	Jos. de Quarry -	800	8th Mar. 1802,	20th Feb. 1804,	Oct. 18, 1811		
same -	Dominique Hugé	800	14th Oct. 1799,	20th Feb. 1804,	Oct. 18, 1811		
same -	Benjamin Quick	800	10th Mar. 1801,	20th Feb. 1804,	May 28, 1806		
same -	Francis Paquet -	800	5th April 1800,	20th Feb. 1804,	May 28, 1806		
same -	Joseph Hebert -	800	15th April 1800,	20th Feb. 1804,	May 28, 1806		
same -	Frs. Norman Dean det Delauriere	2,500	20th Nov. 1799,	25th Jan. 1806,	- -	The minutes of the board in book 5, page 465, say the record of a plat of survey. Signed Forman Deloriane.	25
same -	An'y Flondram -	6,000	15th Jan. 1800,	20th Jan. 1806,	Nov. 14, 1811		
Louis Labeaume	Louis Labeaume	8,000	18th Jan. 1798,	- -	Jan. 11, 1812		
same -	John Brazeau -	374	25th Feb. 1799,	10th April 1799,	Sept. 3, 1806		
same -	Louis Labeaume	4,000	10th Feb. 1800,	25th Dec. 1803,	Sept. 3, 1806		
same -	Ls. Delisle -	2,500	6th Nov. 1799,	14th Feb. 1804,	Nov. 14, 1811		
same -	Ls. Baury -	800	17th Nov. 1799,	4th Jan. 1804,	Oct. 18, 1811		
same -	C. Miville (Mainville) -	800	18th Nov. 1799,	4th Jan. 1804,	27th Nov. 1811,		
same -	Jh. Morin -	160	9th Sept. 1797,	- -	27th Nov. 1811,	Louis Labeaume, at the end of the notice of his claims, says to the recorder, that he still	54

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LIST OF CLAIMS—Continued.

Notice to the recorder and name of the person who submitted the claim.	Names of the persons to whom the concession was made.	No. of arpents conceded.	Date of concession.	Date of survey.	At what time acted upon by the commissioners.	Remarks.
						has several concessions which he cannot have recorded, because he has not the plat at this time.—St. Louis, 26th Feb'y, 1806. Recorded book C. page 337.
Louis Labeaume	Ls. Lamatice -	800	18th Nov. 1799,	20th Feb. 1804,	Oct. 18, 1811	
same -	F. Moiteau -	800	18th April 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	F. Arnand -	800	28th Feb. 1800,	20th Feb. 1804,	Oct. 9, 1811	
same -	Jn. Droain -	800	5th Oct. 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	Frs. Marechal -	800	11th April 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	Jh. Hubert -	800	16th Mar. 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	Ls. Marck -	800	24th Jan. 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	J. Bte. Bravier -	800	11th April 1800,	20th Feb. 1804,	Oct. 18, 1811	
same -	Bte. Marli -	800	17th Dec. 1799,	20th Feb. 1804,	Oct. 18, 1811	
same -	Bte. Dominé -	800	28th Oct. 1799,	20th Feb. 1804,	Oct. 18, 1811	
same -	Ls. Charleville -	800	14th Nov. 1799,	20th Feb. 1804,	Oct. 18, 1811	The notice from Louis Labeaume to the recorder of the fol-

same	-	Frs. Bernard	-	800	16th Jan.	1800,	20th Feb.	1804,	Oct. 18, 1811
same	-	Lous. Boissy	-	800	18th Jan.	1800,	20th Feb.	1804,	Oct. 18, 1811
same	-	Jh. Charleville	-	800	16th Nov.	1799,	20th Feb.	1804,	Oct. 18, 1811
same	-	Jh. Pressé	-	800	10th Nov.	1799,	20th Feb.	1804,	Oct. 18, 1811
same	-	Me. Vallé	-	800	16th Mar.	1800,	20th Feb.	1804,	Oct. 18, 1811
same	-	Antoine Bizet	-	800	13th Sept.	1800,	20th Feb.	1804,	Oct. 18, 1811
same	-	Jn. B. Provencher		800	15th Jan.	1800,	20th Feb.	1804,	Oct. 18, 1811
same	-	Angte. Lefevre	-	800	11th June	1800,	20th Feb.	1804,	Oct. 18, 1811
same	-	Jn. M. Cardenal		800	28th Aug.	1777,			
same	-	Louis Ouvre	-	800	-	-	20th Feb.	1804,	Oct. 18, 1811
same	-	John Godino	-	800	-	-	20th Feb.	1804,	Oct. 18, 1811
same	-	John Bte. Tison		7,056	19th Nov.	1799,	-	-	Dec. 10, 1811
same	-	Joseph Roy	-	600	5th April	1800,	-	-	Dec. 6, 1811
Albert Tison	-	Gabriel Constant		800	24th Mar.	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Amable Chartrand		800	18th June	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Louis Denoyers	-	800	15th Jan.	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Jos. Denoyers	-	800	15th Jan.	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Gabriel Hunaut	-	800	9th May	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Antoine Denoyer		800	7th Feb.	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Francois Denoyer		800	15th Jan.	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Aug L'Anglois	-	800	4th June,	1800,	20th Mar.	1804,	27th Aug. 1810,
same	-	Charles Thibault		800	7th Dec.	1799,	20th Mar.	1804,	27th Aug. 1810,
same	-	Antoine Giguine		800	12th Jan.	1800,	28th Feb.	1806,	19th Nov. 1811.

lowing claims, is dated 27th June, 1808.—Recorded book D. 297, viz: Louis Guigiere, F. Delauriere, Jn. Bte. Tison, Jn. Roy, Jn. Marain.

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RECORDER'S OFFICE,
St. Louis, January 26, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do hereby certify the above to be truly extracted from the books of record in my office.

THEODORE HUNT.

The recorder of land titles proves the within list to be truly taken from the papers and records in his office, as stated in the caption and official certificate to said list.

JO. GAMBLE, *Clerk.*
St. Louis, January 26, 1830.

A plat of thirty-five tracts of land and the certificate of Antoine Soulard, as translated and offered in evidence on the part of the United States on the hearing of this cause, are in the words and figures following, to wit:*

I, Don Antonio Soulard, special surveyor of the establishments of Upper Louisiana, certify that there was measured, bounded, and marked out in the presence of the senior Albert Tison, duly appointed by the purchasers, Don Louis Labeaume and Don Santiago de St. Vrain, a piece of land of 200 arpents in depth upon 140 in front, or 28 thousand superficial arpents. Said square is divided as the figurative plat denotes, by dotted lines indicating the place where they should be placed, cut into thirty-five tracts of 40 arpents in depth, each, by 20 in front, which makes 800 superficial arpents; on each of which is placed the name of the original proprietor, the total superficies of the tract *ene ala gulo N.* corresponding to that which is placed in the margin of each petition, for the purpose of fixing with certainty the situation of each tract conveyed by each vendor, and to facilitate both to the one and the other, the knowledge of the conditions contained in the different instruments of sale. Those acquired by Don Louis Labeaume in No. 21, form a superficies of 16,800 superficial arpents, and are marked L; those acquired by Don Santiago de St. Vrain in No. 14, are marked S, and make a superficies of 11,200 arpents. The lines of partition between said tracts have not been drawn on the same occasion with those of the large square, because the senior deputy surveyor was indisposed, which has not been accomplished since. At the request of those interested on account of the new order made known to me by senior Don Amos Stoddard, captain of artillery of the United States of America, first civil commandant of Upper Louisiana, said surveys were executed with the perch of the city of Paris of 18 legal lineal feet of the same city, according to the land measure of this province. Said land situate about 17 miles, more or less, to the west of the left bank of the Mississippi river, and at 65 miles to the north of this town of St. Louis, bounding on its four sides as follows: on the north northwest in part upon vacant lands of the royal domain and land of Don Antoine Soulard, on the south southeast in part on the same royal domain aforesaid, and land of Don Cerré Chouteau the son, on the west southwest on aforesaid vacant lands, and finally to the east northeast on lands of the seniors Don Santiago St. Vrain and Ambrosio Durval, and for a small distance on the lands of the royal domain. Said surveys and measurements have been made without reference to the variation of the needle, which is 7 degrees 30 minutes east, as appears from the preceding figurative plat, on which are marked the length and courses of the boundary lines, &c., which surveys were made

*For plat, see original.

in virtue of the decrees of the senior Lieutenant Governor and sub-delegate of royal lands, Don Carlos Dehault Delassus, issued in the course of the past years, 1799, 1800, 1801, and 1802, which are herewith accompanying, to a part of which are annexed the written extra judicial conveyances executed by the parties. The judicial conveyances are deposited in the archives of this government, and that the whole aforesaid may appear, I give these presents, with the figurative plat which precedes, drawn in conformity with the actual survey made by the deputy surveyor, Don Santiago Rankin, under date of 20th February of the present year, which I sign; to the minute of which I give faith. St. Louis, 28th March, 1804.

ANTONIO SOULARD.

NOTE.—The landmarks placed at the four corners and indicated on the plat, as also the landmarks that were placed at 40 arpents distance from each other on the lines of depth, A. D. and B. C., and at 20 on the lines in front, A. B. and D. C., all the other notes necessary to understand the plat which precedes, are contained in the certificate of survey following: total superficies of the tract A. B. C. D, divided in 35 concessions, 800 arpents each, is 28,000, all the trees of the lines are marked with a notch above and two slits below, and those on the right and left are notched only. Entered in book C. of registers of surveys for said port folio, 60 and 61, No. 61.

A plat of ten tracts of land, and the certificate of survey of the same, as translated and offered in evidence on the part of the United States on the hearing of this cause, are in the words and figures following, to wit:*

Survey of ten tracts for Albert Tison.

TRANSLATION.

NOTE.—Superficies of the ten tracts of land of 800 superficial arpents, each one contained in the figurative plat which precedes, 8,000 arpents. The landmarks placed at the four corners and at 20 arpents distance between them on the two lines of the depth only; all the trees of the lines are marked with a notch above and two slits below, and those at the right and left notched only. Entered in book B, of the registers of survey for said port folio, 34, No. 35.

I, Don Antonio Soulard, particular surveyor of Upper Louisiana, certify that there were measured and surveyed, with landmarks fixed, in favor and in presence of senior Albert Tison, ten tracts of land of 800 superficial arpents, as appears by the preceding figurative plat; which ten concessions the said proprietor has acquired, both during the past year and the present, from the original owners, as appears from the deeds of extra-judicial sale attached to the petitions and decrees of the first proprietors; each one of the portions of land is designated on said figurative plat by the name of the seller and with the number corresponding to that placed in the margin of each petition, for the purpose of fixing with certainty the situation of the respective portion conveyed by each vendor, and of facilitating, both to the one and the other, the knowledge of the conditions contained in the different deeds; observing that the cross lines could not be run over the tracts on account of bad weather supervening, and they should be at the request of the party interested. Said lands were measured with the city perch of 18 lineal feet of the king of the same city, according to the land measure in this province;

For plat, see original.

said lands being situate at about 9 miles to the west of the bank of the river Mississippi, and at 51 miles to the north of this town of St. Louis, bounding on their four sides as follows: on the north northwest on the lands of Don Santiago de St. Vrain, Albert Tison, and that of Don Francisco Janis, on the south southeast in part on vacant lands of the royal domain, and on lands of various proprietors, on the east southeast and west northwest on vacant lands of the royal domain; which surveys and admeasurements were made without regard to the variation of the needle, which is 7 degrees and 30 minutes east, as appears from the preceding figurative plat, on which are noted the length and courses of the boundaries, &c.; which surveys were executed in virtue of the decrees of the senior Don Carlos Dehault Delassus, as appears from the ten petitions and decrees accompanying; and that all aforesaid may appear, I give these presents, with the preceding figurative plat, drawn in conformity to the actual survey, performed by the deputy surveyor, Don Santiago Richardson, under date of 13th February of this present year, which I sign; to the minutes of which I give faith. St. Louis of Illinois, 20th of March, 1804.

ANTONIO SOULARD, *Surv. Partic.*

A plat of six tracts of land surveyed for Santiago de St. Vrain, and a certificate of survey of the same, as translated and offered in evidence on behalf of the United States on the hearing of this cause, are in the words and figures following, to wit:*

NOTE.—Total superficies of the six tracts of land of 800 arpents superficial, each one contained in the figurative plat which precedes, of 2,400 arpents. The landmark placed at the four corners and at 20 arpents distance from each other upon the two lines of depth only, all the trees of the lines are marked with a notch above and two slits below, and those of the right and left notched only. Entered in book C. of the registers of survey for said port folio, 62, No. 62.

I, Don Antonio Soulard, special surveyor of Upper Louisiana, certify that there were measured, bounded, and marked out, in favor of Don Santiago de St. Vrain, and in presence of senior Albert Tison, in virtue of the power which had been given him by the aforesaid proprietor, 6 tracts of 800 superficial arpents each, as is shown by the figurative plat which precedes; which six concessions the aforesaid proprietor has acquired, as well during the past year as the present, from the owners, as appears from the instruments of extra-judicial sale annexed to the petitions and decrees of the first owners. Each one of the pieces of land is marked on said figurative plat with the name of the vendor, and with the number corresponding to that placed in the margin of each petition, for the purpose of ascertaining with certainty the situation of the piece conveyed by each respective vendor, and of facilitating, both to the one and the other, the knowledge of the conditions contained in the different instruments of sale; observing that the cross lines could not be run over the tract on account of the bad weather that supervened, and that they ought to be at the request of the party interested. Said lands were measured with the perch of the city of Paris of 18 lineal feet of the king of the same city, according to the land measure of this province; said lands are situate at about 55 north of St. Louis, bounding on the N. N. W. on the lands of Don Antonio Soulard, and on the other sides on

*For plat, see original.

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the vacant lands of the royal domain. Said surveys and admeasurements were made without regard to the variation of the needle, which is of 7 degrees and 30 minutes E., as appears from the figurative plat which precedes, on which are noted the length and courses of the boundary lines, &c. Said surveys were made in virtue of the decrees of senior Don Carlos Dehault Delassus, as appears from the six petitions and decrees accompanying; and that all which may appear, I give these presents, with the foregoing plat, drawn in conformity with the actual survey, performed by the deputy surveyor, Don Santiago Rankinson, 11th February, of 1804, which I sign; to the minutes of which I give faith. St. Louis of Illinois, 28th March, 1804.

ANTONIO SOULARD,
Special Surveyor.

MISSOURI DISTRICT.

I, Joseph Gamble, clerk of the late court of the United States for the Missouri district, under the authority of an act of Congress, approved the 24th day of May, 1824, and entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," certify that the foregoing is a true, full, and perfect transcript of the record and proceedings of said court, as the same remains in my office, in a certain cause therein determined, wherein Joseph A. Wherry and others, heirs of Macky Wherry, deceased, were petitioners for the confirmation of sixteen hundred arpents of land.

Given under my hand and private seal, there being no seal of court provided, at St. Louis, the first day of October, eighteen hundred and thirty.

JO. GAMBLE.

Know all men by these presents, that I, Michel Tesson, of the city of St. Louis, am held and firmly bound unto the United States and the several officers of the Supreme Court of the United States, in the sum of three hundred dollars, to the payment of which, I bind myself, my heirs, executors, &c.

The condition of the above obligation is such, that whereas Joseph A. Wherry and others, heirs and legal representatives of Macky Wherry, deceased, have appealed from a decree of the United States' court for the Missouri district, pronounced against them on their petition for the confirmation of 1,600 arpents of land: Now, if the said Joseph A. Wherry, &c., shall pay, or cause to be paid, all costs which may accrue on the prosecution of said appeal for which they may become bound by the order or decree of the said Supreme Court, then this obligation to be void, otherwise to be in full force.

Witness my hand and seal, at St. Louis, this day of October, eighteen hundred and thirty.

ML. TESSON, [L. S.]

Approved 25th October, 1830.

JAS. H. PECK,
Judge District of Missouri.